

## EXHIBIT B:

Scheduling Order issued by Magistrate  
Judge Jeanne J. Graham, U.S. District of  
Minnesota, despite Defendant's pending  
Motion to Stay

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 07-2656 (PJS/JJG)

RAY ACKERMAN, et al.,

Plaintiffs,

v.

**PRETRIAL SCHEDULING ORDER**

KFC CORPORATION,

Defendant.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

**DISCOVERY SCHEDULE/DEADLINES**

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **August 15, 2007**.
2. Fact discovery shall be commenced in time to be completed on or before **May 16, 2008**.

**DISCOVERY LIMITATIONS**

1. No more than a total of **25 interrogatories**, counted in accordance with Rule 33(a), shall be served by each party. No more than **50 document requests** and no more than **ten (10) requests for admissions** shall be served by each party.
2. No more than **25** depositions, excluding expert witness depositions, shall be taken by either side.

### **EXPERTS**

1. Each side may call up to **three (3)** expert witnesses. Accordingly, each party may take one deposition per expert.
2. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:
  - a. Reports and identities by party with burden of proof on or before **April 4, 2008**.
  - b. Reports and identities by rebuttal party on or before **May 2, 2008**.
3. Expert discovery, including depositions, shall be completed by **June 6, 2008**.

### **NON-DISPOSITIVE MOTION DEADLINES**

All non-dispositive motions shall be scheduled, filed, and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, **and in the form prescribed by Local Rule 37.2**. All non-dispositive motions shall be scheduled for hearing by calling Mary Lenner, Judicial Assistant to Magistrate Judge Graham, at (651) 848-1890, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion.

1. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **November 30, 2007**.

Motions which seek to amend the pleadings to include punitive damages, if applicable, must be filed and served on or before the deadline for fact discovery.
2. Except as indicated in paragraph 3, non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **May 16, 2008**.
3. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **June 6, 2008**.

Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

4. Prior to scheduling any non-dispositive motion, parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved with the Magistrate Judge. The Court requires that: (1) all parties be in agreement to informal resolution of the matter and (2) the "moving party" electronically file a letter representing that all the parties are in agreement to resolving the matter without formal motion and setting forth the single, well-defined issue to be resolved. Upon receipt of such, the Court will determine whether the matter may be handled informally. If it is determined the matter can be resolved informally, the parties will be contacted by the Court to schedule a telephone conference and allow for written response to the letter by the "moving party." For leave to proceed in a manner other than that outlined above, the requesting party shall electronically file a letter setting forth the specific request.

#### **DISPOSITIVE MOTION DEADLINES**

All dispositive motions must be served, filed, and **heard by August 8, 2008**. All dispositive motions must be scheduled, served, and filed in compliance with the Electronic Case Filing Procedures for the District of Minnesota and Local Rule 7.1. Parties must submit two paper courtesy copies of motions, memoranda, affidavits, exhibits, and other filings. Judge Schiltz prefers those courtesy copies to be three-hole punched and unstapled (and, if warranted, appropriately tabbed). Courtesy copies should be mailed or delivered to Judge Schiltz's chambers contemporaneously with the documents being posted on ECF. Envelopes should be marked to the attention of Sherry Fast, Calendar Clerk to Judge Schiltz.

Dispositive motions may be scheduled for a hearing by calling Sherry Fast at (651) 848-1906. Parties are reminded that the scheduling of a dispositive motion requires considerable advance notice (typically three to four months). Parties should attempt to schedule all dispositive motions for the same hearing and should strive to avoid duplication in their briefing.

**TRIAL**

This case shall be ready for jury trial on **October 6, 2008**. The anticipated length of trial is **four (4) weeks**.

Dated: August 29, 2007

s/ Jeanne J. Graham  
JEANNE J. GRAHAM  
United States Magistrate Judge